IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 22038 of 2007(W)

PETITIONER:

M/S.KMP TIMBER & SAW MILLS, COLLEGE ROAD, MUVATTUPUZHA, REPRESENTED BY ITS MANAGING PARTNER, K.M.PAREETH.

BY ADV. SRI.BOBBY JOHN

RESPONDENTS:
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1. THE COMMERCIAL TAX OFFICER, MUVATTUPUZHA

2. THE COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

ANTONY DOMINIC,J.

W.P (C) No. 22038 of 2007

Dated this the 15th October, 2007

J U D G M E N T

Denial of delivery notes by Exhibit-P2 order has lead the petitioner to file this writ petition. The reason stated in Exhibit-P2 is that the penalty has been imposed on the petitioner and that it remains unpaid. However, in W.P.(C) No. 22260/2007 this Court has granted stay against recovery of penalty, on the petitioner remitting Rs.15,000/-. It is not disputed before me both sides that the said amount has been fully paid. In view of this reason stated in Exhibit-P2 declining request of the petitioner for issuing delivery notes cannot survive any more.

Learned Government Pleader on instruction submits that on the request made by the petitioner Delivery notes have been issued. Be that as it may, I dispose of this writ petition directing that Exhibit P2 order of penalty cannot stand in the way of issuing delivery notes to the petitioner, if it is otherwise eligible for the same and delivery notes shall be issued as and when requested for.

(ANTONY DOMINIC, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007